

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL ACTION NO. 08-X-50166

vs.

DISTRICT JUDGE PATRICK J. DUGGAN
MAGISTRATE JUDGE DONALD A. SCHEER

ILENE MOSES,

Defendant.

_____ /

ORDER DENYING MOTION FOR HEARING REGARDING GARNISHMENT
AND DENYING MOTION TO QUASH WRITS OF GARNISHMENT

This matter is before the magistrate judge on Order of Reference concerning Defendant's Request for a Hearing Regarding Garnishment (Docket #13). Defendant was convicted in this Court of wire fraud, bankruptcy fraud, perjury, money laundering and making false statements. She was sentenced on July 20, 2007, to a term of incarceration of 210 months, and ordered to pay 16 million dollars in restitution to the fraud victims. Defendant is currently incarcerated at the Federal Correctional Institute in Dublin, California.

After discovering that the Defendant had multiple sources of income (social security and two pensions from her husband), the government obtained writs of garnishment on April 24, 2008, from the Clerk of the Court (Docket #12). Defendant filed the instant motion seeking a hearing in order to contest the garnishment. The government filed a response to the motion opposing the hearing.

Local Court Rule 7.1(e)(1) provides, in pertinent part, as follows:

(e) Hearing on Motions

(1) Oral hearings on... motions in civil cases where a party is in custody will not be held unless ordered by the assigned judge.

Since the Defendant is currently incarcerated in California, the motion requesting a hearing concerning the garnishment is hereby DENIED.

Based upon the written submissions of the parties, I find no cause to quash the Writs of Garnishment issued in this cause. Accordingly, Defendant's Motion to Quash the same is DENIED

SO ORDERED.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: October 9, 2008

CERTIFICATE OF SERVICE

I hereby certify on October 9, 2008 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on October 9, 2008: **Ilene Moses.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217